CASE RHP/15-22820/A/CGC 2137/PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF

Group Art Unit: 1796

ZHIQIANG SONG ET AL

Examiner: MRUK, BRIAN P

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U.S. APPLICATION NO: 10/540,198

35 USC 371 DATE: AUGUST 8, 2006

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Terminal Disclaimer over U.S. Pat. Appl. No. 11/795,329 (37 CFR 1.321(c))

Sir:

I, Joseph Suhadolnik, represent that I am Agent of record for this invention.

Ciba Specialty Chemicals Corporation, a corporation organized and existing under the laws of the State of Delaware, represents that it is the assignee of the entire interest in present app. No. **10/540,198** by virtue of an assignment recorded in the United States Patent and Trademark Office on November 20, 2006, reel/frame 018610/0958.

Ciba Specialty Chemicals Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on application No. 10/540,198 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on U.S. Patent Application No. 11/795,329, the application forming the basis of the double patenting rejection. The owner hereby agrees that any patent so granted on application No. 10/540,198 shall be enforceable only for and during such period that it and the patent issued on U.S. Patent Application No. 11/795,329 are commonly owned, this agreement to run with any patent granted on application No. 10/540,198 and to be binding upon the grantee, its successors and assigns.

Said U.S. Patent Application No. **11/795,329** is also entirely assigned to Ciba Specialty Chemicals Corporation by virtue of an assignment recorded in the United States Patent and Trademark Office on December 27, 2007, reel/frame 020313/0772.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application No. 10/540,198 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 on any patent granted on U.S. Patent Application No. 11/795,329 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term.

Ciba Specialty Chemicals Corporation Patent Department 540 White Plains Road P.O. Box 2005 Tarrytown, NY 10591-9005 Tel. (914) 785-2973 Fax (914) 785-7102 Respectfully submitted,

Joseph C. Suhadolnik Agent for Applicants Reg. No. 56,880

filed under 37 CFR 1.34(a)

4 }